

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAROLINE BEHREND, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
COMCAST CORPORATION, et al.	:	NO. 03-6604

ORDER

AND NOW, this 12th day of April 2012, upon consideration of Defendants' Motion for Summary Judgment (Docket Entry 441), all responses and documents filed in connection thereto, oral argument heard by the Court on January 24, 2012, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendants' Motion is **GRANTED** insofar as it seeks judgment in Defendants' favor on
 - a. Count I of Plaintiffs' Third Amended Complaint, to the extent that it asserts a Sherman Act section 1 *per se* liability claim;
 - b. those portions of Counts II and III of Plaintiffs' Third Amended Complaint asserting that Comcast's (1) clustering conduct, (2) its conduct blocking RCN's access to cable infrastructure installation contractors, and (3) its conduct in licensing CSN Philadelphia to RCN, constituted acts of monopolization or attempted monopolization under Sherman Act section 2.

JUDGMENT IS ENTERED in favor of Defendants and against Plaintiffs on these claims.

2. The Motion is **DENIED** insofar as it seeks judgment in Defendants' favor on

- a. Count I of Plaintiffs' Third Amended Complaint, to the extent that it asserts a Sherman Act section 1 rule of reason claim;
- b. those portions of Counts II and III of Plaintiffs' Third Amended Complaint asserting that Comcast's targeted discounts constituted acts of monopolization or attempted monopolization under Sherman Act section 2.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.